

## **Norfolk Board of Selectmen's Open Session Meeting Minutes June 26, 2018**

Present: Jim Lehan, Kevin Kalkut, Jeff Palumbo, Jack Hathaway, Town Administrator and Susan Jacobson and Dave DeLuca

The Meeting was held in Room 124, Town Hall. Jim Lehan called the meeting to order at 6:45 p.m. Jim announced that the meeting was audio and video taped. All present recited the Pledge of Allegiance.

### **Executive Session**

Upon a motion by Jim and seconded by Kevin, the Board took a roll call vote to exit Open Session at 6:45 p.m. and enter Executive Session under MGL Chapter 30A, Section 21 concerning litigation with Comendul vs. Town of Norfolk. Roll call vote: Jeff Palumbo – aye; Kevin Kalkut – aye; Jim Lehan – aye.

### **The Board returned to Open Session at 7:40 p.m.**

Jim stated that we lost a long time Norfolk resident, Richard Connors, who passed away this week and requested a moment of silence in his behalf. Mr. Connors was a dedicated and impassioned person for the Town of Norfolk.

### **ANNE'S MARKET**

Chris Timson spoke on behalf of Anne's Market. They currently operate out of Medway and would like to move to 65 Holbrook Street, Norfolk, with their business. This premise is just under 2,000 square feet and they would like to offer beer and wine with an off premises liquor license. They would also have deli and variety items. Wayne Headley of Anne's market stated they are primarily a food operation with the core of their business being a deli.

Kevin asked it will compare to the operation of Medway. They have a full meat operation in Medway and they will not have that in Norfolk.

Jeff asked what the hours and days of operation will be. The hours stated are Monday through Saturday 7-8 p.m. Wayne Hadley is the manager and will be on site 60 hours per week. His wife is an officer of the corporation. They both are TIPS certified. There will be four additional employees; the youngest employee is 23 years old. They are doing some minor renovations; they are lowering the height of the counters so they are able to keep an eye on what's going on at the store. They have opened a business account and the funds are available to make this a lasting business. They are asking for a motion for Wayne Headley to be the licensed manager.

Jim asked if they had any violations or concerns with their prior store. Jim asked when they will be opening - it will be the Tuesday after Labor Day.

A motion was made by Jeff Palumbo to approve a liquor license for Waylor Management to operate out of 65 Holbrook Street, Norfolk, MA. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made Jeff Palumbo to appoint Wayne Headley as the Manager for Waylor Management and for him to be the holder of the license. It was seconded by Kevin Kalkut and so voted. All were in favor.

### **CARVANA:**

Lisa Gage from Carvana and Ted Cannon are here to apply for a Class II License to sell used cars at 269 Dedham Street, Norfolk, MA.

Carvana was started 5 years ago. Purchasing and financing is done online. The automobiles are delivered to the customer; often through a car vending machine. They have a 7 day return policy. Less than one percent of the cars are returned. The Norfolk location would be a hub location. The cars are on site less than 48 hours and the cars are all previously sold. The only vehicles in front of the fence would be employee cars. They do not want to draw customers to the location. Caravan's delivery is only on a single car hauler. There are twelve vending machines across the country.

Jeff asked how many vehicles would be there. Lisa said at most 30 and the cars would rotate in and out and the inventory would be held behind the fence. Ted said they are working with the Building Commissioner and they are doing very little to change the facility they may be adding a ladies room/men's room and some office changes. They will remove the vehicles that are there now.

Kevin stated that he has heard this presentation while on the Planning Board and vetted all of the questions during the hearings.

Jack asked what provision they would like on the license. Ted suggested the following: Deliveries of the cars 7 days a week between the hours of 7 am to 9 pm.

A motion was made by Kevin Kalkut to approve a Class II Used Car Dealer's License to Carvana to operate to buy, sell or exchange or assemble second hand motor vehicles or parts to thereof. Jeff Palumbo seconded, and it was so voted. All were in favor.

### **ENERGY COMMITTEE**

The following Energy members were in attendance: Andy Bakinowski, Lawrence Sullivan, James Wilkinson and Emre Schveighoffer

Andy stated they are currently working on a Green Communities Grant for \$7,500.00. He explained that it has been frustrating to gather energy data from the Town. The data is coming from several different people and it would be best to get the information from one person. He offered to provide a spreadsheet to the Town in which the information could be entered and it would save time. Jack said we do not have one person dedicated to just this and will have to think about how to work with the schools to get the information all together. Andy stated this should be done at the level of someone who is accounting and paying bills and that as a bill is paid, it needs to be logged into the spreadsheet.

The Board and the Committee discussed establishing a baseline which is difficult because of additions and changes in Town buildings. Andy credited Matt with going after volume discounting from vendors.

Larry Sullivan stated that MAPC is going to help with the grant application. MAPC forwarded wording for the RFP on project expeditors (auditors) to audit buildings. They have put out to bid with 5 vendors approved by National Grid. Two out of the 5 have responded and they are hopeful that they will hear from the others soon. They discussed that some vendors will do the audit for free with the hopes of future opportunities to do energy work for the Town. Jim asked if that would take us out of the competitive bidding process and they agreed it would for projects less than \$100,000.

Jim asked if this caused issues with our procurement laws. Jack stated that you are not locked into selecting them. If the project is a required that you go out to bid then you have to go out to bid. This is a MAPC process and is used by many towns in Massachusetts.

Jim stated he would rather get costs up front Jim feels like you have more control if you are Jeff and Kevin both agreed with Jim. Jeff would like to take it one step at a time. Jim thanked them for all the hard work. Andy said that there is free money out there for a solar project that Matt can apply for - \$250,000 for carports.

### **Report of Warrants**

A motion was made by Jim Lehan to approve to approve the following warrants:

5/25/18-24PS18 \$811,471.98

5/29/18-48V18 \$388,594.79

5/31/18-49VS18 \$73,836.78

It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve the following warrants:

6/5/18-49V18 \$67,742.89  
6/5/18-49VE18 \$14,225.00  
6/5/18-49VSA18 \$1,857.64

It was seconded by Jim Lehan, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve the following warrant:

6/8/18-25PS18 \$825,714.84

It was seconded by Jim Lehan, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve the following warrant:

6/12/18-50V18 \$752,768.36

It was seconded by Jeff Palumbo, and so voted. All were in favor.

### **Police Chief and Deputy Police Chief Contracts**

The current contracts for the Police Chief and Deputy Police Chief expire on June 30, 2018. Jack stated he would present these as written with the exception that the Chief position is 3.5% increase per year but they are also asking for \$100 per year to be recognized for their tenor. Chief Stone had proposed an annual increase to 1% to his incentive pay. After discussing with the Chairman, Jack would like to strike that

Jim noted that because the Chief is past the age of 65 there is benefit in that the Town will not be required to pay into his retirement after age 65. Jack negotiated paying the sick time out over a 5 year period. Jim thanked Jack as he is not comfortable with unfunded obligations. It was pointed out that because of special legislation, Chief Stone is allowed to work five years beyond age 65. He will be required to retire September 10, 2022.

Kevin stated he has compared Norfolk and other surrounding Town's contracts and based on Chief Stone's relative experience, he feels it is in line Jim pointed out that Norfolk is ranked as one of the safest Towns in Massachusetts and in the top ten in the country.

Jack commends these gentlemen and the work they have done. Chuck has been the Chief for 24 years and with the Town for 40 years. Jon has about 36 years and a wonderful addition to the team. They have managed staff and the department well. The Town does not see grievances or mid-year funding requests under their

management. Jon would like to see the new station complete but he will probably retire soon afterwards.

A motion was made by Jeff Palumbo to approve the Police Chief's employment Agreement effective 7/1/18. It was seconded by Kevin Kalkut, and so voted. All were in favor.

Jim offered an amendment to delete the last line in section ten starting with "but".

A motion was made by Kevin Kalkut to approve the Police Chief's employment agreement effective 7/1/18 with the last line in section ten starting with the word, "but" It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve the Deputy Chief's contract effective 7/1/2018. It was seconded by Jeff Palumbo and so voted. All were in favor.

The Board expressed their gratitude for their service.

### **Clerical Union Contract**

No clerical union contract will be brought forward this evening. Jack said they had a disagreement on the salary schedule. He explained that they needed to correct a historical problem regarding some of the columns of steps/grades. There were some slight inconsistencies. There was discussion between union and management to clean that up and when they looked at the new schedule, there was concern that they were not getting the 1.5% - they were getting 1.38%. Changes were going both ways. Jack stated they will have further discussions tomorrow.

### **DPW Contract**

Todd and Scott have done a lot work on both contracts. A lot of the language was cleaned up and Jim felt it was much clearer. Jack briefly reviewed the DPW contract specifically; the differences between call-back and call-in, and the added language regarding clothing, hard hats, etc.

A motion was made by Jeff Palumbo to approve the DPW Union Contract. It was seconded by Kevin Kalkut, and so voted. All were in favor.

### **Norfolk Firefighters Local 4134 5K for Autism**

Jack explained that the race date is August 26, 2018 and the race route has been approved by the Police Chief.

A motion was made by Kevin Kalkut to approve the Norfolk Firefighters Local 4134 5K for Autism on August 26, 2018. It was seconded by Jeff Palumbo, and so moved. All were in favor.

Sue mentioned that the race coordinators may be back to ask the Board to add food and beer to the event.

### **Resignations**

Jack announced the resignations of Elisabeth Vallee from the Council on Aging and Patrick Tuohy from the Conservation Commission. The Board expressed appreciation for their service and accepted the resignations.

### **SERGE Contracts**

Jack stated that the contracts have been reviewed by Bob McGhee and Marian Harrington.

A motion was made by Jeff Palumbo to approve the SERGE Contracts for water/sewer treatment chemicals and paper and DPW supplies. It was seconded by Kevin Kalkut, and so voted. All were in favor.

### **Annual Appointments – Pole Workers**

A motion was made by Kevin Kalkut to approve the FY2019 pole workers as recommended by the Town Clerk. It was seconded by Jeff Palumbo, and so moved. All were in favor. (List attached.)

### **Annual BOS Appointments**

A motion was made by Kevin Kalkut to approve **Robert Paschke**, Precinct 1 to the COMMUNITY PRESERVATION COMMITTEE with a term to expire on 6/30/21. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **David Turi** to the CONSERVATION COMMISSION with a term to expire on 6/30/21. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **Kevin Roche** to the CORRECTIONS ADVISORY COMMITTEE with a term to expire on 6/30/21. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **Janice Axberg, Thomas Mirabile, James Schweitzer** and **Deborah Grover** to the COUNCIL ON AGING with terms to expire on 6/30/21. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **Taylor McVay** and **Charity Stolarz** to the CULTURAL COUNCIL with terms to expire on 6/30/21. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **Barbara Bartholomew, Marcia Johnston** and **Betsey Whitney** to the HISTORICAL COMMISSION with terms to expire on 6/30/21. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **Scott Bragdon, Neil Cross** and **James Dyer** to the INSURANCE ADVISORY COMMITTEE with terms to expire on 6/30/19. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **Richard McCarthy** as MAPC REPRESENTATIVE with a term to expire on 6/30/21. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to approve **James Lehan, Thomas Cleverdon, William Conklin** and **Sandra Smith** to the MUNICIPAL AFFORDABLE HOUSING TRUST with terms to expire on 6/30/20. It was seconded by Jeff Palumbo, and so voted. Jim Lehan recused himself.

A motion was made by Kevin Kalkut to approve **Patricia Saint Aubin** to the NORFOLK COUNTY ADVISORY BOARD with a term to expire on 6/30/19. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve **Anthony Turi** as the RECORDS ACCESS OFFICER with a term to expire on 6/30/19. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve **Robert Nicodemus** and **Richard McCarthy** to the SWAP organization with terms to expire on 6/30/19. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve **Jack Hathaway** as the TOWN ADMINISTRATOR with a term to expire on 6/30/19. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve **Murphy, Hesse, Toomey and Lehan LLP** as TOWN COUNSEL with a term to expire on 6/30/19. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve **William Conklin** as the VETERANS AGENT with a term to expire on 6/30/19. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve **Devin Howe** to the ZONING BOARD OF APPEALS with a term to expire on 6/30/23. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve **Robert Lucian** and **Medora Champagne** as associates to the ZONING BOARD OF APPEAL with terms to expire on 6/30/19. It was seconded by Kevin Kalkut and so voted. All were in favor.

A motion was made by Jeff Palumbo to approve the following to the ZONING WORKING COMMITTEE with terms to expire on 6/30/19:

- Robert Bullock, ex-officio and non-voting**
- James Lehan, ex-officio and non-voting**
- Richard McCarthy, ex-officio and non-voting**
- Walter Byron, Planning Board representative**
- Thomas Gilbert, Board of Health representative**
- John Weddleton, Conservation representative**
- Christopher Wider, ZBA representative**
- Jane Dewey, At Large member**
- Peter Diamond, At Large member**
- Erin Hunt, At Large member**

It was seconded by Kevin Kalkut and so voted. Jim Lehan recused himself.

A motion was made by Jim Lehan to appoint Todd Lindmark to the PUBLIC SAFETY BUILDING COMMITTEE with a term to expire at the end of the project. It was seconded by Jeff Palumbo, and so voted. All were in favor.

## **Discussion Items**

### **Town Administrator Updates:**

Jack stated that information has been received from Carol Greene, Town Clerk regarding postings to social media and concerns that they are being done correctly. Kevin stated that he has had some conversations with Thanh and will bring Carol into the process. Jim suggested that the Selectmen submit their comments on social media to Jack by July 10<sup>th</sup>.

Jack informed the Board that a DEP walk is scheduled at the Lawrence Street Bridge project on Thursday at 11:00 a.m.

Jack informed the Board that the ZBA will be meeting during the week of July 9<sup>th</sup> and will be getting an update from the LSP regarding the DEP audit and PIP process. This will be televised.

Jack stated that he and Shawn Dooley have been communicating with Mass Works regarding the timeline on the Lawrence Street project.

Jack brought the Board up to date on dog hearings and matters.

He also updated the Board on an issue with a postcard that had been sent out to Town residents. This was done by another Town resident and everything was done legally.

At 8:29 p.m., Jeff Palumbo moved to adjourn the meeting. Kevin Kalkut seconded, and it was so voted. All were in favor.

This is a true and accurate report of the Selectmen's Meeting of June 26, 2018.



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Kevin Kalkut, Clerk